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MAY 16 2006

OFFICE OF PETITIONS

In re Application of :
Duboc et al. :
Application No. 09/307,044 : Decision on Petition for
Filed: May 7, 1999 : Patent Term Extension
Attorney Docket No. CT-M117 US :
For: DISPLAY WITH ACTIVE CONTRAST :
ENHANCEMENT :

The above-identified application has been forwarded to the undersigned for consideration on the paper labeled "Query Re Patent Term Adjustment," which was received on December 14, 2005, for the above-identified application. See 35 U.S.C. § 154(b) and 37 C.F.R. § 1.701. The paper is being treated as a petition under 37 CFR 1.181. Further requests or a request for reconsideration of this decision for patent term extension, must be filed under 37 CFR 1.182 or 37 CFR 1.183, and include the required fee.

The petition is dismissed.

Petitioner notes that the above-identified application was filed on May 7, 1999, a Final Office Action was mailed on January 15, 2002, which was later withdrawn. Petitioner argues that due to the long nature of the prosecution, the application should receive a patent term adjustment.

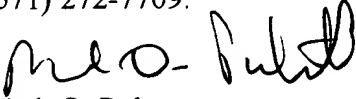
35 U.S.C. § 154(b)(as amended by the "Uruguay Round Agreements Act," enacted December 8, 1994, as part of Public Law 103-465) provides for patent term extension for appellate review, interference and secrecy order delays in applications filed on or after June 8, 1995 and before May 29, 2000. 35 U.S.C. § 154(b)(as amended by the "American Inventors Protection Act of 1999," enacted November 29, 1999, as part of Public Law 106-113) provides for patent term adjustment for these administrative delays and others in applications filed on or after May 29, 2000. The patent statute only permits extension of patent term based on very specific criteria. The Office has no authority to grant any extension or adjustment of the term due to administrative delays except as authorized by 35 U.S.C. § 154.

The above-identified application was filed on May 7, 1999, which is after June 8, 1995 and before May 29, 2000, and, as a result is an application that may be eligible for patent term extension under 35 U.S.C. § 154. The application was not issued due to an adverse determination of patentability by the Board of Patent Appeals and Interferences (BPAI), was not delayed due to an interference proceeding, nor was it subject to a secrecy order, as a result, this application is not eligible for the extension under 35 U.S.C. 154 and 37 CFR 1.701. The Office has no authority to grant an extension of the term due to administrative delays except as authorized by 35 U.S.C. § 154.

The delay in issuance of petitioner's application is regretted.

The paper submitted by applicant's representative does not comply with 37 CFR 1.705 for requesting recalculation of the patent term adjustment, as it does not include the required fee. Applicant's representative is reminded that letters after the Notice of Allowance delay issuance of the patent.

Telephone inquiries with regard to this communication should be directed to Mark O. Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read "m. o. Polutta", written in a cursive style.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy